

ANDOVER CONSERVATION COMMISSION MEETING MINUTES
JUNE 4, 2013

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:47pm

Conservation Members in Attendance:

Vice Chairman Michael Walsh, Commissioner Jon Honea, Commissioner Fran Fink, Commissioner Alix Driscoll, and Commissioner Kevin Porter. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

26 Brundrett Avenue

Staff Recommendation: Continue.

Public Meeting on the Request for Determination of Applicability filed by Alp Dibirdi to determine if the proposed installation of an above ground pool is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The location of the septic system dictates the placement of above ground pool. Upon staff visit, there is a 10 foot drop from the back of the house to some “ponding” which may be a vernal pool. Staff is requiring more information from the homeowner at this time.

Vice Chairman Walsh asked for a Motion. Commissioner Driscoll made a Motion to continue to June 18, 2013, it was seconded by Commissioner Porter and unanimously approved.

1 Riverside Drive

Present in Interest: Bernie Paquin, Rick Skiffington and Ethan Davis

Staff Recommendation: Approve.

Public Meeting on the Request for Determination of Applicability filed by Charm Sciences to determine if the proposed removal and replacement of portions of an existing parking area and curbing; removal and replacement of 5 catch basins; installation of diesel-powered generator and

a new natural gas service; and trimming and maintenance of existing trees and removal of select trees is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The project is filed under the WPA only as the project is maintenance and repair of a lawfully constructed parking area with no proposed change in footprint. As mitigation, the Applicant will install new catch basins.

Mr. Paquin presented the plan and project to the Commission. This is the first phase of future improvements to the parking area. No part of the parking area or building is in the flood plain, only slope towards the wetland. The existing pavement will be ground and stock piled on site and anything unusable will be removed from the site. The concrete curbing and sidewalks will be replaced, 5 catch basins to be replaced and a diesel powered generator to be installed and connection to natural gas line in Riverside Drive. 8 trees will be cut and trees at the entrance will be trimmed. Staff has reviewed trees to be cut and/or trimmed and agreed that they are a hazard and need to be removed.

Commissioner Fink found the work to be redevelopment, not maintenance, and inquired as to stormwater management and improvements to infiltration. Discussion ensued regarding definition of redevelopment versus maintenance and repair.

Commissioner Porter stated that the new catch basins are an improvement to what is existing and will work with future improvements to the lower parking area in the next phase.

Commission agreed to add conditions of hooded catch basins are installed and that any further work on the site will require a Notice of Intent.

Vice Chairman Walsh asked for a Motion. Commissioner Porter made a Motion to Approve with the 2 added conditions discussed; it was seconded by Commissioner Driscoll and unanimously approved.

168 Haggetts Pond Road

Present in Interest: Tong Mac

Staff Recommendation: Approve.

Public Meeting on the Request for Determination of Applicability filed by Tong Thanh Mac to determine if the proposed installation of an above ground pool and extension of existing deck is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The pool will be located the furthest distance from the wetland and 15 feet higher than the wetland on a lawned area close to the house and deck. Upon staff site visit, a shed is located in the wetland and a pathway to the edge of the wetland was detected. Staff will work with the Applicant to restore the area of the pathway.

This lot also abuts Conservation Land which has been mowed for a number of years. Mr.

Douglas presented photographs to the Commission of the mowed area. Staff has discussed this

with the Applicant and the Applicant has agreed to the marking of the no-mow line by staff and will allow the area to naturalize.

Commissioner Fink inquired if a survey would be required and if markers would be installed. The draft Determination contains the condition that non-disturb markers be installed prior to construction beginning.

Vice Chairman Walsh asked for a Motion. Commissioner Honea made a Motion to Approve with staff oversight; it was seconded by Commissioner Driscoll and unanimously approved.

81 Bellevue Road

Present in Interest: Andrew Caffrey, Leah Basbane and Gary Litchfield

Staff Recommendation: Continue.

Continued Public Hearing on a Notice of Intent filed by Gary Litchfield, C&L Homes under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a single family dwelling.

Agent Cleary presented this to the Commission. This was continued from May 21, 2013 to review revised documentation submitted after the filing deadline of the May 21, 2013 Meeting. The filing is under the WPA and By-Law. This is a historically disturbed site. The property is located within the 100 foot buffer zone in the Watershed Protection Overlay District for Haggetts Pond. This project is unable to meet the Commission's By-Law setbacks. Mitigation is being provided in the form of buffer zone plantings, removal of historic fill and providing a limit of work. The existing cesspool will be abandoned.

Attorney Caffrey submitted that there is no practical alternative for the proposed dwelling. He is agreeable to language in the deed spelling out the limit of work restriction.

Commissioner Porter asked that the gate shown on the plan be removed so that homeowners have no easy access to resource area.

Commissioner Driscoll asked if the new dwelling could be built on the existing foundation. The existing foundation is old fieldstone and the existing dwelling is in need of a lot of work to bring up to code.

Commissioner Fink asked for a clear delineation with the no-disturb bounds. She would like more information on the stone trench and how invasives are being removed from the property. She also asked for soils testing and construction sequencing.

Applicant to provide revised plans showing gate removed, details of stone trench, elevation of high water table, non-disturb markers along fence and construction sequencing to include removal of invasives and conservation loam and seed mix.

Vice Chairman Walsh asked for a Motion. Commissioner Porter made a Motion to continue to June 18, 2013 for revised plans; it was seconded by Commissioner Driscoll and unanimously approved.

Pine Forest Park Subdivision

Present in Interest: Ann Marton, and Luke Roy

Staff Recommendation: Close Public Hearing and Issue Amended Order of Conditions.

Continued Public Hearing on a Request for an Amended Order of Conditions filed by Angelo Petrosino under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law. The proposed amendment is to comport with Planning Board approval.

Agent Cleary presented this to the Commission. This was continued from April 2, 2013 for peer review, which is complete.

Ann Marton presented her report to the Commission, referencing her letter dated May 21, 2013. She made 2 minor changes to the wetland flagging. Both Ann and Linda worked on the new 2nd Amended Order of Conditions to that the document would be clearer. Janet Bernardo reviewed the stormwater management for the Planning Board. The revised plans have been brought up to current standards. The Operation & Maintenance Manual will become part of the Order of Conditions to be issued. The isolated wetland on lot 10 has been confirmed to be 3500 square feet, so it is not jurisdictional. Erosion control is in place to protect the wetland even though it is not jurisdictional.

Commissioner Fink questioned if a \$10,000 bond was enough. This is Commission's standard procedure for obtaining a bond.

Commissioner Fink asked that maintenance of the drainage system be done during construction, not just after construction is complete. This is referenced in the O&M Manual. She also discussed possible amendments to the Order of Conditions.

Vice Chairman Walsh asked for a Motion. Commissioner Porter made a Motion to close the Public Hearing and issue the Second Amended Order of Conditions; it was seconded by Commissioner Honea and unanimously approved.

ACTION ITEMS:

7 Penbrook Circle

Staff Recommendation: Issue Order of Conditions.

Issuance of Order of Conditions. Public Hearing closed May 21, 2013.

Commissioner Honea made a Motion to issue the Order of Conditions; it was seconded by Commissioner Driscoll and unanimously approved.

6 Prospect Road

Staff Recommendation: Issue Order of Conditions.

Issuance of Order of Conditions. Public Hearing closed May 21, 2013.

Commissioner Porter made a Motion to issue the Order of Conditions; it was seconded by Commissioner Honea and unanimously approved.

2 Hitchcock Farm Road

Present in Interest: Karim Berty

Staff Recommendation: Denial.

Issuance of Order of Conditions. Public Hearing closed May 21, 2013.

Commissioner Honea made a Motion to issue a Denial of the Order of Conditions with revisions discussed; it was seconded by Commissioner Porter and unanimously approved.

Please note that Dr. Berty left his phone behind which was found to be recording the hearing without notice to the Commission that he was doing so.

174 Holt Road

Staff Recommendation: Issue Order of Conditions.

Issuance of Order of Conditions. Public Hearing closed May 21, 2013.

Commissioner Honea made a Motion to issue the Order of Conditions; it was seconded by Commissioner Porter and unanimously approved.

83 Porter Road

Staff Recommendation: Issue Order of Conditions.

Issuance of Order of Conditions. Discussion that 25 feet or greater is not specifically mentioned but is shown on plan.

Commissioner Honea made a Motion to issue the Order of Conditions; it was seconded by Commissioner Driscoll and unanimously approved.

2 Possum Hollow Road

Staff Recommendation: Lift Enforcement Order.

Lift Enforcement Order as soil is clearly upland.

Commissioner Honea made a Motion to lift the Enforcement Order; it was seconded by Commissioner Porter and unanimously approved.

1 Hay Bale Road

Staff Recommendation: Approve.

Consideration of significance for replacing junipers with green velvet boxwoods.

Commissioner Honea made a Motion to find the change insignificant; it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA:**184 Abbott Street**

Issuance of a Partial Certificate of Compliance.

Lot 2 Hay Bale Road

Issuance of a Certificate of Compliance.

19 Pomeroy

Issuance of a Satisfactory Completion of Work Certificate.

76 Holt Road

Issuance of a Satisfactory Completion of Work Certificate.

276 North Main Street

Issuance of a Satisfactory Completion of Work Certificate.

Minutes

Approval of minutes from May 21, 2013 Meeting.

Bailey Road (Lot C)

Issuance of a Certificate of Compliance.

Commissioner Honea made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Driscoll and unanimously approved.

DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

SunGen Solar Project

Present in Interest: Mark Johnson and Carol McGravey

Acceptance and execution of Deed for Conservation Property. Natural Heritage has issued the Permit. Closing of property expected sometime in July and Carol will hold the executed Deed until then.

Commissioner Driscoll made a Motion to accept and sign the Deed and Escrow Agreement; it was seconded by Commissioner Honea and unanimously approved.

The next meeting will be held June 18, 2013 at 7:45pm.

The meeting was adjourned at 9:50pm by Motion of Commissioner Honea, seconded by Commissioner Porter and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**